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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number 10/755,849

Filing Date 01/12/2004

First Named Inventor Walter M. Bain

Art Unit 3653

Examiner Name

Attorney Docket Number 1311.APT.CI

ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | Return Postcard |
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| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

Please charge any additional fees or credit any overpayment to Deposit Account No. 502720.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|----------------------|----------|--------|
| Firm Name | BATEMAN IP LAW GROUP | | |
| Signature | | | |
| Printed name | Randall B. Bateman | | |
| Date | May 17, 2005 | Reg. No. | 37,774 |

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| Signature | | | |
| Typed or printed name | Randall B. Bateman | Date | May 17, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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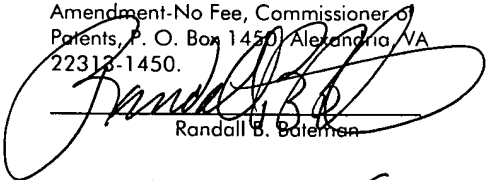
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Walter M. Bain
SERIAL NO.: 10/755,849
FILING DATE: 01/12/2004
TITLE: Automated Prescription Dispensing
System and Method of Use
ART UNIT: 3653
EXAMINER:
DOCKET NO.: 1311.APT.CI

CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Mail Stop Amendment-No Fee, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450.


Randall B. Bateman

May 17, 2005
Date of Deposit

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Mail Stop Amendment-No Fee
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.98(a)(1), enclosed is Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed, pursuant to 37 C.F.R. § 1.97 (b), within three months of the filing date of the application, within three months of the date of entry of the national stage set forth in § 1.491 or before the mailing date of a first Office action on the merits. Applicant requests that the references cited in the enclosed form PTO-1449 be made of record in the above-captioned application. While no representation is made that any of the references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or

patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no reference which is more relevant to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference or relevant portion thereof is also enclosed. Any listed reference that is not in the English language is accompanied by a concise explanation in English of its relevance as required under 37 C.F.R. § 1.98(a)(3)(i).

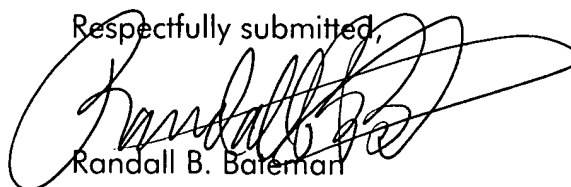
In compliance with 37 C.F.R. § 1.98(d), the Applicant identifies the following application which is relied on in the above-captioned application for an earlier effective filing date under 35 U.S.C. § 120 and in which one or more Information Disclosure Statements were submitted that comply with 37 C.F.R. § 1.98(a)-(c). Copies of all PTO-1449 and PTO-892 forms that were made of record in the previous application identified below are enclosed herewith for reference, but copies of the references cited therein are not provided as permitted by 37 C.F.R. § 1.98(d).

| <u>TITLE</u> | <u>SERIAL NO.</u> | <u>FILING DATE</u> |
|--|-------------------|--------------------|
| Automated Prescription Dispensing System and Method of Use | 09/655,704 | 09/06/2000 |

Please charge any additional fees or credit any overpayment to Deposit Account No. 502720.

DATED this 17th day of May, 2005.

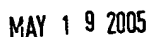
Respectfully submitted,



Randall B. Bateman
Attorney for Applicant
Registration No. 37,774
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P. O. Box 1319
Salt Lake City, Utah 84110
(801) 533-0320 telephone
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RBB:bhp



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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

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| Application Number | 10/755 849 |
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| Filing Date | 01/12/2004 |
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| First Named Inventor | Walter M. Bain |
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| Art Unit | 3653 |
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Examiner Name

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| Attorney Docket Number | 1311.APT.CI |
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Examiner
Signature

Date
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Notice of References Cited

Application/Control No.

09/655,704

Applicant(s)/Patent Under
Reexamination
BAIN, WALTER M.

Examiner

Rachel L. Porter

Art Unit

3626

Page 1 of 1

U.S. PATENT DOCUMENTS

| * TRADEMARK | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|--------------------|---|--|-----------------|---------------------|----------------|
| * | A | US-4,847,764 | 07-1989 | Halvorson, Jerry L. | 700/231 |
| * | B | US-5,713,485 | 02-1998 | Liff et al. | 221/2 |
| | C | US-6,219,587 | 04-2001 | Ahlin et al. | 700/233 |
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

| * TRADEMARK | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Application Number

09/655,704

Filing Date

September 6, 2000

First Named Inventor

Walter M. Bain

Group Art Unit

2161

Examiner Name

Attorney Docket

1311.APT.PT

LIST OF PRIOR ART CITED BY APPLICANT

Sheet 1 of 001

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|----|-----------------|---------------|------------|-------|----------|----------------------------|
| JDC | AA | 5,377,864 | Jan. 3, 1995 | Blechl | | | |
| JDC | AB | 5,408,443 | Apr. 18, 1995 | Weinberger | | | |
| | AC | | | | | | |
| | AD | | | | | | |
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FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
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| | AL | | | | | | |
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OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

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EXAMINER

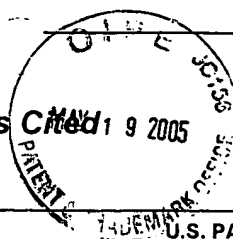
Janet D Chance

DATE CONSIDERED

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Notice of References Cited



Application/Control No.

09/655,704

Applicant(s)/Patent Under Reexamination
BAIN, WALTER M.

Examiner

Janet D. Chance

Art Unit

3626

Page 1 of 1

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| | D | US- | | | |
| | E | US-5,408,443 | 04-1995 | Weinberger, Edward D. | 368/10 |
| | F | US-5,377,864 | 01-1995 | Blechl et al. | 221/2 |
| | G | US-6,352,200 | 03-2002 | Schoonen et al. | 235/375 |
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| | J | US- | | | |
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FOREIGN PATENT DOCUMENTS

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| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | Anonymous, "Developers Should Link Physicians and Pharmacies", Electronic Claims Processing Report, v3, v23, 13 November 1995, Dialog file 636 accession number 02916216 |
| | V | Fitzgerald, Walter, "Fax for facts. (facsimile prescriptions)" Drug Topics, v138, n12, p59, 27 June 1994, Dialog file 148, accession number 07302603 |
| | W | Anonymous, "PCS expands its leadership position in M.D. connectivity with new agreement; Potential for up to 100,000 additional physicians to be connected.", Business Wire, 8 November 1995, Dialog file 16, accession number 04068446 |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.